

3. Refugee Cash Assistance

	3.1 Consultative Process Virginia designed its refugee cash assistance (RCA) program with input from national voluntary organizations, state and local TANF staff, state and local health agency staff, and others involved with refugee resettlement. The program was implemented and is maintained through formal and informal consultation with these groups.
CFR 45 Part 400.65 (a) <i>Attachment 3A</i>	3.2 Publicly-Administered Program Virginia operates a publicly administered refugee cash assistance program. The Virginia Refugee Resettlement Program Manual sets out the elements of Virginia's Temporary Assistance to Needy Families (TANF) Program used in its RCA Program.
CFR 45 Part 400.66 (a)	3.3 Consistency with TANF Program Rules Virginia operates its RCA program consistent with its Temporary Assistance to Needy Family (TANF) program.
CFR 45 Part 400.66 (a)(1)(2)(3)(4)	3.3.1 Determination of Financial Benefits TANF rules in the determination of initial and on-going financial eligibility; benefit amounts; and proration of shelter, utilities, and similar needs are the same as TANF rules.
CFR 45 Part 400.66 (b) (c) (d)	3.3.2 Consideration of Resources Financial eligibility does not include resources remaining in the refugee's country of origin or a sponsor's income and resources or cash grants received from the U. S. Departments of State or Justice.
CFR 45 Part 400.66 (e)	3.3.3 RCA Eligibility Begin Date Virginia uses the date of application as the date RCA begins.
CFR 45 Part 400.68	3.3.4 Notification of a Refugee's Application for RCA Local departments of social services, which operate RCA, notify the resettlement agencies when a refugee applies for RCA and when a refugee receiving RCA becomes employed.

CFR 45 Part 400.83 (a)(2)	<p>3.3.5 Mediation and Conciliation</p> <p>Virginia's TANF program does not have mediation and conciliation procedures separate from its TANF hearing procedures program.</p>
	<p>3.3.6 Hearings</p>
CFR 45 Part 400.54	<p>3.3.6.a Applicants and recipients of RCA have the same opportunity for notice of an adverse action and a hearing to contest an adverse action regarding receipt of an RCA benefit as Virginia's TANF applicants and recipients do for TANF benefits.</p>
CFR 45 Part 400.83 (b)	<p>3.3.6.b Applicants and recipients of RCA have the same opportunity for hearing to contest a determination concerning employability or failure or refusal to carry out job search as is set forth in § 400.54.</p>
CFR 45 Part 400.67	<p>3.4 Non-applicable TANF Work Requirements</p> <p>TANF work requirements do not apply to RCA applicants and recipients. Refugees receiving RCA continue to receive employment services from the resettlement case manager. Employment assistance remains the primary responsibility of the case manager. Work registration is arranged when it furthers a refugee's employment goal.</p>

ATTACHMENT 3 A

Refugee Cash Assistance Policy (Summary)

Introduction

Virginia's local departments of social services (LDSS) administer the Temporary Assistance for Needy Families (TANF) and Refugee Cash Assistance (RCA) Programs. Refugees who meet the financial criteria for TANF assistance but not the non-financial criteria are eligible for RCA for a limited time. In its benefits and responsibilities, RCA mirrors the TANF program. It is, however, a program of last resort. A refugee is eligible for RCA only after the LDSS TANF eligibility worker determines the refugee is not eligible for TANF and is not receiving Supplemental Security Income (SSI).

1. RCA Eligibility

- a. TANF eligibility workers consider eligibility for RCA after determining the refugee:
 - 1) meets the financial requirements for TANF but not the non-financial requirements, and
 - 2) applied for RCA within the established RCA time limit.
- b. TANF eligibility workers disqualify refugees who are full-time students in an institution of higher education unless the refugee is enrolled in a one-year re-certification program, which is part of a comprehensive resettlement plan (CRP) and the education is contributing to the refugee's self-sufficiency.
- c. The refugee gives the TANF eligibility worker the name of the sponsoring resettlement agency. Asylees and victims of trafficking are exempt from this requirement.

2. Newborns

- a. A child born to refugee parents receiving RCA and meeting the financial requirements for RCA is eligible for RCA.
- b. Infants eligible for RCA may receive RCA until the end of the mothers' eight-month period of eligibility.

3. Time Limit

- a. The TANF eligibility worker calculates benefits for refugees from the date the refugee files the application for TANF. Eligible refugees may receive RCA up to eight months following the month of arrival into the United States.
- b. The TANF eligibility worker calculates benefits for asylees from the date the asylee was granted asylee status. Eligible asylees may receive RCA up to eight months following the month asylee status was granted.
- c. The TANF eligibility worker calculates benefits for victims of trafficking from the date the federal Office of Refugee Resettlement (ORR) issued the victim of trafficking certification letter. Eligible victims of trafficking may receive RCA until the expiration date listed in the federal ORR letter.

4. Rules

- a. A refugee is considered for RCA only after it has been determined the individual does not qualify for TANF or SSI. The TANF eligibility worker uses the same financial eligibility requirements for TANF to determine eligibility for RCA. The non-financial TANF rules do not apply to RCA.
- b. TANF eligibility workers may approve RCA eligibility for a refugee who has a “temporary disability”; is waiting for SSI benefits to begin; or is in an emergency and needs immediate cash assistance until eligibility for TANF is determined.
- c. The refugee must present documentation of his or her refugee status at the time of application. The refugee is not required to have a social security number to apply for RCA, but he or she should provide proof of application for a social security card.
- d. The eligibility worker notifies the resettlement agency when a refugee applies for temporary assistance.

5. Income Considerations

- a. The TANF eligibility worker considers the income and resources on the date of application, not the average income over the application-processing period, when determining eligibility for RCA.
- b. Asset considerations mirror the TANF stipulations and limits, except that the eligibility worker does not consider assets refugees hold in their country of origin.

- c. The eligibility worker does not consider income and resources of a refugee's sponsor(s) in determining eligibility for the RCA nor shelter or in-kind resources provided to the refugee by the sponsor.
- d. The eligibility worker does not count as income or assets the cash assistance payments paid to the refugee under the Department of State or Department of Justice Reception and Placement Program. (The eligibility worker does not consider reception and placement funds when determining income because they fall into the category of "in-kind benefits and vendor payments.")

6. Work Requirements

The TANF eligibility worker imposes no work requirements on the refugee receiving RCA. The resettlement agency's employment specialist uses the refugee's Comprehensive Resettlement Plan to guide the refugee's employment activity.

7. Notification of Approval or Denial

- a. The TANF eligibility worker notifies the refugee of the results of the RCA eligibility determination in a timely manner. In no case is this notice to exceed 45 days from the date of application.
- b. The notification clearly indicates that RCA has been denied or approved. If RCA is denied, the notice includes an explanation of ineligibility, along with a statement about the refugee's right to appeal the decision.
- c. The TANF eligibility worker notifies the refugee of RCA reductions, suspensions, and terminations a timely manner (at least 10 days before the action is to occur).
- d. The LDSS's written communication with the refugee is in English and in the individual's native language if the refugee language-group forms a significant portion of the recipient population. If the individual's native language does not fit this category, the LDSS provides verbal translation of the notice to the refugee.

8. Appeals

- a. Refugees who have applied for or are receiving RCA have a right to appeal in the following instances:
 - 1) When they have been denied RCA benefits;
 - 2) When they have not been notified of the RCA determination within 45 days of application;

- 3) When they disagree with the amount of RCA financial assistance awarded; or
 - 4) When they disagree with a notice of RCA benefit reduction or termination.
- b. For the hearing officer to hear an appeal, the refugee must file the appeal within 30 days of receipt of a notice of negative action.
 - c. The LDSS must ensure that access to the appeal process is not denied in any way because the refugee has limited English proficiency.
 - d. If the refugee makes an appeal in a timely manner, the proposed action to change the status of the case will not take effect until after the appeal process is completed. If, however, the hearings process sustains the LDSS proposed action, the LDSS may recover the RCA benefits paid to the refugee.
 - e. A hearings officer decides the case and issues the decision in writing within 60 days of the date that the refugee requests a hearing. The refugee may appeal the hearing officer's decision to the Administrative Review Panel of the Appeals & Fair Hearings Unit.
 - f. The refugee may receive free legal advice through the local legal aid office.

Source: Virginia Refugee Resettlement Program Manual, synopsis of pages 24 – 27